

# Massachusetts Coalition for Juvenile Justice Reform

## Transparency, Race Equity and “Just Facts”

*An Act improving juvenile justice data collection*

*Lead sponsors Sen. Creem and Rep. Miranda (HD1957 / SD799)*

*“Youth of color are still disproportionately represented at every level of the juvenile justice system... [and] the disparity between white youth and youth of color has actually increased [after the Criminal Justice Reform Act of 2018]”*

*MA Juvenile Justice Policy and Data Board*

### Massachusetts has Pervasive and Worsening Racial and Ethnic Disparities in Juvenile Justice

Massachusetts’ has one of the [worst racial disparities for youth incarceration in the country](#) despite more than a decade of reforms to reduce the pretrial detention of youth. While youth of color make up only 26% of the youth population in Massachusetts, they represent 73% of those arrested, 72%-74% who are detained or committed to the Department of Youth Services (DYS).

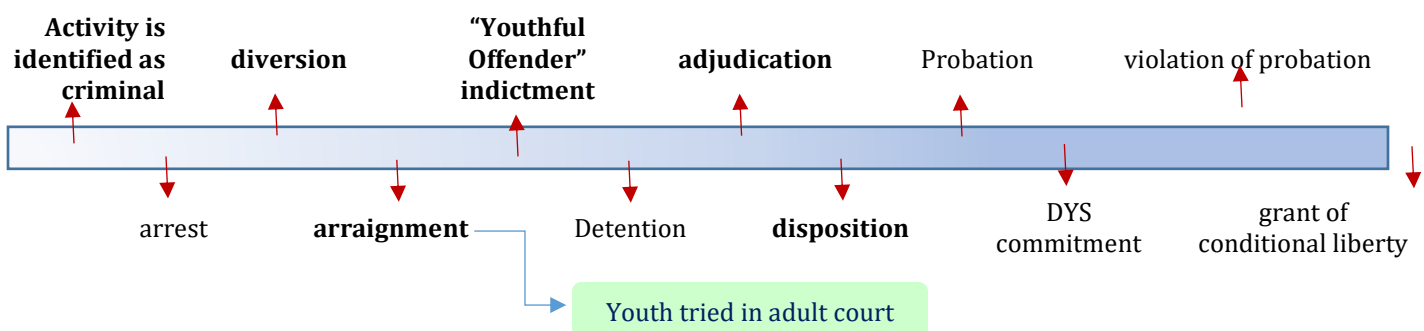
**Black youth in Massachusetts more than 9 times as likely as white youth to be incarcerated (10<sup>th</sup> highest rate of disparity in the US) and Latinx youth are 6.5 times more likely to be incarcerated than white youth (the worst in the country).**

These disparities have actually worsened over time; with the result that the “fairness” that is necessary to a functioning justice system is increasingly under threat. These disparities cannot be adequately explained by differences in youth behavior but related to different policing and court processing practices in communities of color.

**Massachusetts currently fails to report crucial data at most of the significant decision points in the juvenile justice system.** As a result, we know that Black and Latinx youth are incarcerated at higher rates, but lack any transparency on the decision points from arrest to incarceration. Data allows system leaders to see disparities where they occur and to identify and to evaluate policies or practices that may inadvertently drive children deeper into the system.

**Disparities not only cause the worst burdens of the juvenile justice system to fall disproportionately on children of color, they can actually increase recidivism on their own.** Young people “*may be more likely to accept responsibility for less serious offenses early in the process if they [perceive](#) delinquency proceedings to be fair and transparent and any sanctions imposed to be proportionate to their offenses*”

### The Missing Facts (in bold)



Action for Boston Community Development  
 ACLU of Massachusetts  
 Bethel Institute for Social Justice/Generation Excel  
*Black and Pink*  
 Black Lives Matter- Worcester  
 Boston Bar Association  
 Boston Teachers Union  
 Bridge Over Troubled Waters  
 Center for Public Representation  
 Center for Teen Empowerment  
 Charles Hamilton Houston Institute, Harvard Law School  
 Children's Law Center of Massachusetts  
 Children's League of Massachusetts  
 Children's Mental Health Campaign  
 Citizens for Juvenile Justice  
 City Mission Society  
 The City School  
 Coalition for Effective Public Safety  
 Committee for Public Counsel Services  
 Community Resources for Justice  
 Criminal Justice Policy Coalition  
 Dorchester Youth Collaborative  
 Ending Mass Incarceration Together  
 Fair Sentencing of Youth  
 Familes for Justice As Healing  
 GLBTQ Legal Advocates & Defenders  
 Greater Boston Legal Services, CORI & Re-entry Project  
 The Home for Little Wanderers  
 High Risk Youth Network  
 I Have a Future/Youth Jobs Coalition  
 InnerCity Weightlifting  
 Justice Resource Institute  
 Juvenile Rights Advocacy Program, Boston College Law School  
 The Key Program  
 Lawyers Committee for Civil Rights  
 Louis D. Brown Peace Institute  
 Massachusetts Commission on LGBTQ Youth  
 Massachusetts Society for the Prevention of Cruelty to Children  
 Massachusetts Parent Teacher Association  
 Mental Health Legal Advisors Committee  
 MissionSAFE  
 More Than Words  
 Mothers for Justice & Equality  
 My Life My Choice  
 Nat'l Alliance on Mental Illness – MA  
 Nat'l Assoc. of Social Workers – MA chapter  
 North American Family Institute  
 Parents/Professional Advocacy League  
 Prisoners' Legal Services  
 Project RIGHT  
 RFK Children's Action Corp  
 Real Costs of Prison  
 Roca, Inc.  
 Roosevelt Institute @ Boston  
 Roxbury Youthworks  
 The Salvation Army/Bridging the Gap Between Youth & Community Services  
 Sociedad Latina  
 Spectrum Health Services  
 Strategies for Youth  
 UTEC  
 Unitarian Universalist Mass Action Network  
 Vital Village Network  
 Year Up  
 Youth Build Boston  
 YW Boston

## The Missing Facts

How many minority youth are formally charged with committing a crime in Massachusetts?

*We don't know.* Aggregate data is available to the Court but not shared, despite the fact that arraignments are considered to be one of the best measurements of juvenile delinquency.

How do district attorneys use their discretion to divert or indict youth?

*We don't know.* Diversion is a useful tool for sifting out less serious cases that can be resolved informally, while indictment is intended for the most serious cases with the most serious consequences. Aggregate data about whether both of these critical decisions are being made consistently or fairly is not reported or shared publicly.

How many youth who are charged in court are actually found to be delinquent?

*We don't know.* While the Court's data system is capable of producing this data, it is not routinely aggregated or made public. The one year that this data was publicly available (in 2009) indicated only 11% of cases charged in court ended in a delinquency adjudication.

How many youth are given "adult" sentences?

*We don't know.* Sentencing children as if they were adults is a profoundly serious decision with potentially devastating consequences, but there is no way to know how often this is happening, or whether it is happening fairly or appropriately. While the Court system is capable of producing this data, they choose not to do so or to share it if they do.

Are young people and public safety better off through young people's system involvement?

*We don't know.* National research shows that system involvement tends to worsen outcomes. Massachusetts does not track education, housing, health and recidivism data for the 93% of youth who enter our Juvenile Court system but are never formally committed to DYS custody.

While **39 other states** have been able to comply with federal law requiring the collection of data on race and ethnicity at each decision point in the juvenile justice system, Massachusetts is failing to collect this data risking the loss of federal grants which can fund important prevention and intervention programs.



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